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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 United States of America,
10 Plaintiff,
11 v.
12 Devonte Okeith Mathis,
13 Defendant.

14 No. CR-21-02714-001-TUC-RM (MSA)

ORDER

15 The Government moves to preclude the Pima County Medical Examiner's Office
16 from releasing reports and other documents created in connection with two autopsies that
17 relate to this case. (Doc. 15.) The motion, which is unopposed, will be granted.

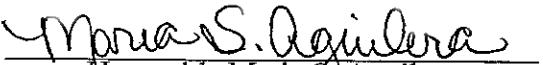
18 The Government argues that disclosure of these records should be delayed under
19 Arizona's public records law. However, the Court notes at the outset "that it is not in any
20 way bound by that law." *United States v. Loughner*, 807 F. Supp. 2d 828, 835 (D. Ariz.
21 2011). As such, a showing that disclosure would be required under Arizona law would not
22 preclude this Court from granting the motion. *See id.* (denying news organizations' request
23 for the Pima County Sheriff's Office to release investigative reports, notwithstanding that
24 "Arizona's public records law support[ed]" the request). As to whether disclosure is
25 required by federal law, the Court notes that discovery materials, like the reports and
26 documents in question here, are not "*judicial* records under federal law, and the public
27 [therefore] has no presumptive right of access to them." *Id.* at 834.

28 "If there is no presumptive right of access to the investigation materials, other than

1 under a state law that has no force in this federal proceeding, then the analysis needn't go
2 much further." *Id.* at 835. Nevertheless, if the Court were required to balance the public's
3 right of access against the relevant privacy and government interests, *see Phoenix*
4 *Newspapers, Inc. v. Keegan*, 35 P.3d 105, 109 (Ariz. Ct. App. 2001), *Schoeneweis v.*
5 *Hamner*, 221 P.3d 48, 54–55 (Ariz. Ct. App. 2009), it would find that the privacy and
6 government interests win out. While the public's interest in scrutinizing "the performance
7 of important government functions" is weighty, *Schoeneweis*, 221 P.3d at 54, there remains
8 an ongoing criminal investigation involving the death of two individuals, whose deaths are
9 only incidental to the drug-trafficking crimes with which Defendant Devonte Okeith
10 Mathis has been charged. Therefore,

11 **IT IS ORDERED** that the Government's motion (Doc. 15) is **granted**. All
12 members of the Pima County Medical Examiner's Office are precluded from releasing any
13 documents, including release of the official autopsy reports, relating to the decedents in
14 this case. They shall be precluded from releasing documents for a period of 180 days,
15 beginning as of the date of this Order.

16 Dated this 5th day of November, 2021.

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18 _____
19 Honorable Maria S. Aguilera
20 United States Magistrate Judge
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